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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2011-787

**DAVID EDWARD GLANFIELD, AKA
David E. Glanfield
2100 Harvard Street, #105
Sacramento, CA 95815
Registered Nurse License No. 648518**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

RESPONDENT

FINDINGS OF FACT

1. On or about March 18, 2011, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2011-787 against David Edward Glanfield, aka David E. Glanfield (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about November 23, 2004, the Board of Registered Nursing (Board) issued Registered Nurse License No. 648518 to Respondent. The Registered Nurse License will expire on June 30, 2012, unless renewed.

3. On or about March 18, 2011, the Respondent was served by Certified and First Class Mail copies of the Accusation No. 2011-787, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and Title 16 California Code of Regulations section 1409.1, is required to be reported and maintained with the Board, which was and is:

2100 Harvard Street, #105

Sacramento, CA 95815

4. Service of the Accusation was effective as a matter of law under the provisions of

1 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
2 124.

3 5. On or about March 25, 2011, the First Class Mail was returned to the Board marked,
4 "Not Deliverable as Addressed-Unable to Forward", by the United States Postal Service. On or
5 about April 5, 2011, the Certified Mail was returned to the Board marked, "Not Deliverable as
6 Addressed-Unable to Forward", by the United States Postal Service.

7 6. Respondent failed to maintain an updated address with the Board and the Board has
8 made attempts to serve the Respondent at the address on file. Respondent has not made himself
9 available for service, and therefore, has not availed himself of his right to file and notice of
10 defense and appear at a hearing.

11 7. Business and Professions Code section 2764 states:

12 The lapsing or suspension of a license by operation of law or by order or decision of
13 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive
14 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
15 against such license, or to render a decision suspending or revoking such license.

16 8. Government Code section 11506 states, in pertinent part:

17 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
18 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
19 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
20 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

21 9. Respondent failed to file a Notice of Defense within 15 days after service upon him
22 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
23 2011-787.

24 10. California Government Code section 11520 states, in pertinent part:

25 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
26 agency may take action based upon the respondent's express admissions or upon other evidence
27 and affidavits may be used as evidence without any notice to respondent.

28 11. Pursuant to its authority under Government Code section 11520, the Board after

1 having reviewed the proof of service dated, March 18, 2011, finds Respondent is in default. The
2 Board will take action without further hearing and, based on Accusation No. 2011-787 and the
3 documents contained in the Default Decision Investigatory Evidence Packet which includes:
4 Exhibit 1 – Pleadings offered for jurisdictional purposes; Exhibit 2 – License History
5 Certification for David Edward Glanfield, aka David E. Glanfield, Registered Nurse License No.
6 648518; Exhibit 3 – Before the State Board of Nursing, State of Colorado, *In the Matter of the*
7 *License to Practice Nursing in the State of Colorado of David E. Glanfield, R.N., License No.*
8 *177363* ; Exhibit 4 - Affidavit of Shannon Silberling ; Exhibit 5 - Declaration of costs by Office
9 of the Attorney General for Prosecution of Case No. 2011-787, and finds that the charges and
10 allegations in Accusation No. 2011-787 are separately and severally true and correct by clear and
11 convincing evidence.

12 12. Taking official notice of the Declaration of costs by the Office of the Attorney
13 General contained in the Default Decision Investigatory Evidence Packet, pursuant to Business
14 and Professions Code section 125.3, it is hereby determined that the reasonable costs for
15 Investigation and Enforcement in connection with the Accusation are \$532.50, as of April 5,
16 2011.

17 DETERMINATION OF ISSUES

18 1. Based on the foregoing findings of fact, Respondent Louise A. Clark has subjected
19 her following licenses to discipline:

20 a. Registered Nurse License No. 648518

21 2. The agency has jurisdiction to adjudicate this case by default.

22 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
23 Nurse License based upon the following violations alleged in the Accusation, which are
24 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this
25 case.

26 a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary
27 action by another State Board of Nursing.

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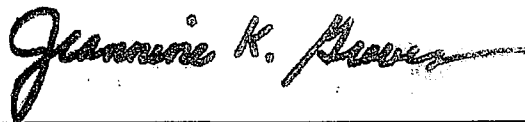
ORDER

IT IS SO ORDERED that Registered Nurse License No. 648518, heretofore issued to Respondent David Edward Glanfield, aka David E. Glanfield, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 6, 2011.

It is so ORDERED June 6, 2011



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Attachment:

Exhibit A: Accusation No. 2011-787

Exhibit A

Accusation No. 2011-787

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. *2011-787*

12 **DAVID EDWARD GLANFIELD, a.k.a.**
13 **DAVID E. GLANFIELD**
2100 Harvard Street, #105
14 Sacramento, CA 95815
Registered Nurse License No. 648518

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about November 23, 2004, the Board of Registered Nursing issued Registered
23 Nurse License Number 648518 to David Edward Glanfield, also known as David E. Glanfield
24 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
25 the charges brought in this Accusation and will expire on June 30, 2012, unless renewed.
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1 COST RECOVERY

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct – Out of State Discipline)
8 (Bus. & Prof. Code § 2761, subd. (a)(4))

9 9. Respondent has subjected his registered nurse license to disciplinary action under
10 Code section 2761, subdivision (a)(4), in that on or about December 30, 2008, in a disciplinary
11 action before the Colorado Board of Registered Nursing (Colorado Board), the Colorado Board
12 entered an Order suspending Respondent's Colorado registered nurse license.

13 10. The underlying conduct supporting the Colorado Board's disciplinary Order is that on
14 or about November 19, 2008, the Colorado Board reviewed Respondent's file and specifically
15 evaluated information involving Respondent's mental condition. Based upon the information
16 reviewed and in light of all circumstances, the Colorado Board had reasonable cause to conclude
17 that Respondent was unable to practice nursing with reasonable skill and safety to patients
18 because of a condition listed in Colorado Revised Statutes, section 12-38-117, subdivision (i).¹
19 As a result, the Colorado Board ordered Respondent to complete a mental examination. On or
20 about December 9, 2008, the Colorado Board issued and mailed to Respondent the December
21 2008 Order requiring him to attend an appointment for a mental examination by Rebecca Heck,
22 R.N., M.P.H. The appointment was scheduled for December 17, 2008, at 8:00 a.m. On or about
23 December 17, 2008, Rebecca Heck, R.N., M.P.H., informed the Colorado Board that Respondent

24 ¹ Colorado Revised Statutes, section 12-38-117, sets forth the grounds for discipline of a
25 registered nurse in the State of Colorado. Section 12-38-117, subdivision (i), provides that
26 grounds for discipline exist for a nurse who: "Excessively uses or abuses alcohol, habit-forming
27 drugs, controlled substances, as defined in section 12-22-303, or other drugs having similar
28 effects, or is diverting controlled substances, as defined in section 12-22-303, or other drugs
having similar effects from the licensee's place of employment; except that the board has the
discretion not to discipline the licensee if such licensee is participating in good faith in a program
approved by the board designed to end such excessive use or abuse; . . ."

1 failed to appear for the scheduled mental health examination. Respondent's failure to appear for
2 the examination was a violation of the Colorado Board's December 2008 Order and constituted
3 grounds for discipline. Therefore, the Board entered the December 30, 2008 Order suspending
4 Respondent's registered nurse license, which became effective on or about January 5, 2009.

5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
7 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 8 1. Revoking or suspending Registered Nurse License Number 648518, issued to David
9 Edward Glanfield, also known as David E. Glanfield;
10 2. Ordering David Edward Glanfield, also known as David E. Glanfield to pay the
11 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
12 case, pursuant to Business and Professions Code section 125.3;
13 3. Taking such other and further action as deemed necessary and proper.

14
15
16 DATED: March 18, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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